

# **EXHIBIT 1**

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE APPLICATION OF ALBERTO  
SAFRA FOR AN ORDER TO TAKE  
DISCOVERY FOR USE IN FOREIGN  
PROCEEDINGS PURSUANT TO 28  
U.S.C. § 17

Case No. 21-MC \_\_\_\_\_

**[PROPOSED] ORDER AUTHORIZING DISCOVERY**

Upon consideration of the Application And Petition For An Order To Conduct Discovery For Use In Foreign Proceedings Pursuant To 28 U.S.C. § 1782 (the “Application”), submitted by Mr. Alberto Safra and all papers submitted in support thereof, this Court finds that (1) the statutory requirements of 28 U.S.C. § 1782 are satisfied, and (2) the factors identified by the United States Supreme Court in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004), weigh in favor of granting the Application.

It is therefore ORDERED that

- (a) the Application is granted;
- (b) Petitioner is authorized to serve the subpoenas annexed as Exhibit 2 to the declaration of Lucas Bento upon Dr. Vivian Tabar, Dr. Eli L Diamond, Dr. Valentin Fuster, Dr. Susan Bressman, Mount Sinai Health System, Memorial Sloane Kettering Cancer Center (“Respondents”); and
- (c) Petitioner is authorized to use any evidence obtained pursuant to the Subpoenas in any additional proceeding arising out of the same facts or transactions underlying Petitioner’s Application; and
- (d) Respondents are directed to respond to such subpoenas pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules of this Court.

**SO ORDERED.**

Date: \_\_\_\_\_, 2021

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UNITED STATES DISTRICT JUDGE